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EXAMINER

BINDA, GREGORY JOHN

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3679

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/721,884

Applicant(s)

KAMDEM ET AL.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,7,8 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6 and 9-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on various is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/18/05, 3/30/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

*Election/Restrictions*

1. Applicant's election without traverse of Species I shown in Figs. 2-6 in the reply filed on Feb 11, 2005 is acknowledged.

2. Claims 3, 4, 7, 8 & 14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on Feb 11, 2005.

Claims 3 & 4 are directed to a decoupling element having a non-fluted face opposite a fluted face. As such, those claims do not read on the elected species, Species 1, where the ring 2 has opposite faces 21i & 21e that are both fluted

*Information Disclosure Statement*

3. The listing of a reference in the specification as at page 1, line 24, is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the reference has been cited by the examiner on form PTO-892, it has not been considered.

*Drawings*

4. The drawings (originally filed and otherwise) are objected to because:

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- a. The cross hatching pattern used to depict elastomeric ring 2 is inappropriate. See MPEP § 608.02 for the appropriate pattern.
  - b. In Fig. 2a, it is not clear why the projections 2i & 2e are drawn without cross hatching used for the ring 1.
  - c. So-called "Fig. 1bis" needs to be renamed appropriately.
  - d. Reference numeral 22a fails to appear in Fig. 2a as described at page 5, lines 19-23.
  - e. Reference numeral 22b fails to appear in Fig. 2b as described at page 6, lines 12 & 13.
  - f. Reference numeral 10 fails to appear in Fig. 3 as described at page 7, line 2.
  - g. Reference numeral 30 fails to appear in Fig. 4 as described at page 7, lines 8 & 9.
  - h. Reference numeral 22e appears at page 7, line 14, but fails to appear in the drawings.
  - i. Reference characters 22 , B1 & B2 fail to appear in Fig. 6 as described at page 8, lines 9-16.
  - j. The drawings fail to show a coupling element comprising all the limitations of claims 3 & 4.
  - k. The drawings fail to show "the projections being . . . hyperbolic shape or of appropriate curvature" as recited in claim 10.
5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

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sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

6. The disclosure is objected to because:
  - a. Page 1, line 31, the word “adds” is misspelled
  - b. Page 1, line 11 and page 4, line 21, mention “Fig. 1bis”
  - c. Page 2, line 1, includes the nonsensical phrase “force-fitting th ins rts leads to stresses in th parts”.
  - d. Page 2, line the word “be” is misspelled.
  - e. Page 2, line 31; page 6, lines 1 & 2; page 7, lines 31 & 32; and page 8, line 2, the word “the” is misspelled.
  - f. Page 2, line 32, the word “least” is misspelled.

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- g. Page 3, line 1 includes the nonsensical term “th protuberance-fre”
- h. Page 4, line 1 includes the nonsensical term “xert sh ar stresses over th”
- i. Page 5, line 1, the word “exploded” is misspelled.
- j. Page 5, line 31, the word “meshes” is misspelled.
- k. Page 5, line 31, the word “comprising” is misspelled.
- l. Page 5, line 32, the word “complementary” is misspelled.
- m. Page 6, line 28, the nonsensical phrase “the ratio of the angles at the center intercepting two projections 21e and 21i on respective faces ( $\alpha_2/x_1$ )”
- n. Page 6, line 31, the word “projections” is misspelled.
- o. Page 6, line 31 includes the nonsensical phrase “th shear rev isible wh n”
- p. Page 7, line 1 includes the nonsensical phrase “Th xploded vi w of Figure 3 and th s ction”
- q. Page 7, line 2 includes the nonsensical phrase “driv d vice 10 for a motor v hicl”
- r. Page 7, line 31, the word “opening” is misspelled.
- s. Page 7, line 31, the word “easier” is misspelled.
- t. Page 7, line 32 includes the nonsensical phrase “open d out”
- u. Page 7, line 31, the word “enabling” is misspelled.
- v. Page 8, line 1, the word “while” is misspelled.
- w. Page 8, line 2, the word “compensated” is misspelled.

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7. The specification is objected to as failing to comply with 37 CFR 1.71 and 1.75(d)(1) because the detailed description fails to provide proper antecedent basis for following limitations:

- a. Claim 10: “the projections being . . . hyperbolic shape or of appropriate curvature”
- b. Claim 13: “the ring is made by complete cutting [or] by extrusion followed by slicing”.

*Claim Objections*

8. The claims are objected to as failing to comply with 37 CFR 1.75(i) because elements of the claims are not separated by line indentation.

9. Claim 1 is objected to because in line 9, the word “one” is misspelled.

*Claim Rejections - 35 USC § 112*

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 12 recites that the decoupling ring is split in order to provide “play between parts”. No such structure is disclosed

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or suggested in the disclosure of the elected species. To the contrary, applicant teaches that such structure eliminates play (see page 8, line 4).

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 1, 2, 5, 6 & 9-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The scope of the claims is ambiguous because it is not clear if the claimed invention includes, or excludes the two supports of a drive device. In claim 1, lines 1 & 2 these supports are recited as separate and distinct from (i.e. outside the scope of) the claimed invention, a “decoupling element”. However, elsewhere (see for example claim 5), these same supports are positively recited as being “meshed” with the decoupling element and so, since these supports are positively recited as being connected to the claimed invention, they are therefore also recited as parts of (i.e. within the scope of) the claimed invention.

b. Each claim is directed to a “decoupling” element. It is not clear how the “decoupling” element 1 provides the ability to “decouple” the two supports 3 & 4.

c. Claim 6 recites the limitation "the cylindrical faces" in line 2. There is insufficient antecedent basis for this limitation in the claim.

d. Claim 6 implies that there are projections on the respective faces of the decoupling element, but claim 1 recites that only one such face need have projections. If one is too



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assume that the “decoupling element according claim 1” recited in claim 6 has projections on two faces, then is one to assume the decoupling element in claim 1 also has projections on two faces?

e. The term "appropriate" in claim 10 is a relative term which renders the claim indefinite. The term "appropriate" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

f. Claim 10 recites that the projection flares with a mean angle of up to 60 degrees and that the projection is hyperbolic or curved. It is unclear how a projection could be flared with a mean angle of up to 60 degrees and have a curved or hyperbolic shape.

g. Claim 13, line 3 recites the conditional term “possibly”. Thus all limitations succeeding this term are premised on a condition which may or may not exist. Therefore those limitations are indefinitely recited making the claim indefinite and ambiguous.

*Claim Rejections - 35 USC § 102*

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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15. Claims 1, 5, 11 & 13 are rejected under 35 U.S.C. 102(b) as being antedated by Kryscyk, US 4,472,154. Fig. 2 shows a “decoupling” element 48 of deformable material (see also col. 3, line 28) comprising a central core (see “ring” in line 31) and abrupt radial projections 52 on at least one cylindrical face of the ring.

16. Claims 1, 2, 5, 9, 11 & 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bugatti, US 2,235,605. Fig. 2 shows a “decoupling” element E of deformable material (see also page 2, lines 48 & 49) comprising a central core and abrupt radial projections on the opposite cylindrical faces of the ring.

17. Claims 1, 2, 5, 9 & 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Olbrich, US 6,581,267. Fig. 5 shows a “decoupling” element 2 of deformable material (see also col. 2, lines 50 & 51) comprising a central core and abrupt radial projections 6 & 7 on the opposite cylindrical faces of the ring. Fig. 4 shows the ring 2 is split to form an opening 5.

*Claim Rejections - 35 USC § 103.*

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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19. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 740 077 and DE 196 18 635. According to applicant's explanation of relevance (see the search report provided with the information disclosure statement filed Feb 18, 2005) the combination of EP 0 740 077 and DE 196 18 635 shows or suggests the claimed invention.

### *Conclusion*

20. The absence of a prior art rejection of claim 10 should not be construed as an indication of allowable subject matter but for the presence of a 112(2) rejection. Rather, such absence is due to the fact that the Office is constrained from making a prior art rejection where there is a great deal of confusion and uncertainty as to the proper interpretation of the limitations of a claim. *In re Steele*, 305 F.2d 859, 134 USPQ 292 (CCPA 1962).

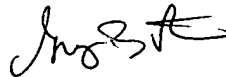
21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schmitter, Barth, Sugimoto, Husted and Matsumoto each show a coupling element.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda  
Primary Examiner  
Art Unit 3679